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| EXAMINER DUFFIELD, JEREMY S | | | | |
| ART UNIT 2427 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,882

Applicant(s)

GUTTA, SRINIVAS

Examiner

JEREMY DUFFIELD

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.5.7-9, 13, 15, 16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.5.7-9, 13, 15, 16 and 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Miscellaneous

1. Note: Examiner art unit has changed from 2623 to 2427.

Response to Arguments

2. Applicant's arguments filed 16 October 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments that the given reference does not teach "the use of visual cues", Page 5, lines 25-27, the examiner respectfully disagrees. Schein teaches a list of television program genres that are used by a user to identify favorite program criteria so that the system will identify accurate potential favorite programs. The claim language states "wherein the at least one visual cue is selected from a group consisting of a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific programs of each genre". While broadly reading this claim language, a system is realized wherein only one of the stated examples of visual cues can be selected. The genre categories are described by the name and are therefore, textual information describing each genre. Therefore, the aforementioned limitation is taught by the given reference.

In response to applicant's arguments that the given references do not teach "displaying a selection...the selection means", Page 7, lines 3-7, the examiner

respectfully disagrees. Hori teaches displaying a window containing representative images of programs with a corresponding keyword for each image that displays a video segment corresponding to the image and keyword when clicked (Fig. 8; Col. 8, line 62-Col. 9, line 40). The keywords having been taken from a user profile where the user inputs favorite genre information as keywords (Col. 6, lines 14-45). The combination of Schein and Hori brings one of ordinary skill in the art to realize a system that allows a user to select a representative image of a user-inputted category and then displaying the associated video clip.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim(s) 1, 5, and 7-8 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 9, 13, and 19 rejected under 35 U.S.C. 102(b) as being anticipated by Schein (US 6,133,909).

Regarding claim 1, Schein teaches a method for generating recommendations for a television program (Fig. 8; Col. 11, lines 9-45), the method comprising:

prompting a user for feedback on at least one television program genre for generating a recommendation, i.e. a user marks a program as a favorite and then proceeds to select the criteria used (Col. 11, lines 9-62; Col. 12, lines 16-30), the at least one television program genre having two or more categories associated therewith, i.e. the user can select from a list of categories, such as comedy, drama, action, etc with subcategories such as series, movie, etc. (Col. 11, lines 9-62; Col. 12, lines 16-30);

displaying at least one visual cue corresponding to each of the two or more categories, i.e. each category is labeled with the category name, such as comedy, drama, action, etc. (Col. 11, lines 9-62; Col. 12, lines 16-30);

selecting one of the two or more categories based at least in part on the corresponding at least one visual cue, i.e. the user is able to select single or multiple categories (Col. 11, lines 45-62); and

generating a recommendation for a television program based at least in part on the selecting, i.e. the system identifies potential program favorites (Col. 11, lines 27-45);

wherein the at least one visual cue is selected from a group consisting of a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific programs of each genre, i.e. menu listing all of the selectable genre types (Col. 12, lines 16-30), Note: textual information describing each genre can be broadly read to include the actual genre names, i.e. comedy, drama, etc.

Regarding claim 5, Schein teaches the two or more categories associated with the genre of the television program are selected from a group consisting of action, comedy-action, suspense-action, drama, comedy, documentary, and romance, i.e. action, comedy, drama (Col. 12, lines 16-30).

Regarding claim 9, claim is analyzed with respect to claim 1. Schein further teaches means for generating a user interface (Col. 11, lines 9-62; Col. 12, lines 16-30).

Regarding claim 13, claim is analyzed with respect to claim 5.

Regarding claim 19, claim is analyzed with respect to claim 1. Note:
program storage device is a hard drive (Fig. 1, el. 14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 8, 15, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Hori (US 7,209,942).

Regarding claim 7, Schein teaches all elements of claim 1.

Schein teaches displaying a selection means corresponding to each of the two or more categories, i.e. the user selects the category type (Col. 11, lines 9-62; Col. 12, lines 16-30).

Schein does not clearly teach displaying the at least one visual cue corresponding to the two or more categories upon selection of the selection means.

Hori teaches displaying a window containing representative images of programs with a corresponding keyword for each image that displays a video segment corresponding to the image and keyword when clicked (Fig. 8; Col. 8,

line 62-Col. 9, line 40); the keywords having been taken from a user profile where the user inputs favorite genre information as keywords (Col. 6, lines 14-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein to include displaying at least one visual cue corresponding to the two or more categories upon selection of the selection means, as taught by Hori, for the purpose of aiding the viewer in determining future programs of potential interest.

Regarding claim 8, Schein (Col. 11, lines 9-62; Col. 12, lines 16-30) in view of Hori (Fig. 8; Col. 8, line 62-Col. 9, line 40) teaches the displaying of the selection means comprises providing a user interface having a button displayed proximate each of the two or more categories wherein the selection of the button is achieved through the user interface.

Regarding claim 15, claim is analyzed with respect to claim 7.

Regarding claim 16, claim is analyzed with respect to claim 8.

Regarding claim 20, claim is analyzed with respect to claim 7.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10 December 2008
JSD

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427